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10/586,178

07/17/2006

Srinivas Gutta

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

PAUL, DISLER

ART UNIT

PAPER NUMBER

2615

MAIL DATE

DELIVERY MODE

05/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/586,178 | Applicant(s) GUTTA, SRINIVAS | |
| | Examiner DISLER PAUL | Art Unit 2615 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/17/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

In response to the applicant's feature of " converting the incoming call to text and displaying the text", the examiner read such limitation as simply as having "an incoming call wherein the caller's identification of the incoming call is displayed on the screen for identifying the caller" and thus, as broadly written McIntosh indeed, have the phone with the feature of "converting the incoming call to text and displaying the text" see (col.3 line 55-60).

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-11,13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (US 6,766,176 B1) and McIntosh (US 6,639,987 B2).

Reclaim 1, the method for enhancing a usage of a telephone, the method comprising: receiving an incoming call and detecting an ambient noise level (fig.1,3-5; col.1 line 65 & col.2 line 7; col.4 line 12-17 & line 47-57); and enhancing the incoming call to make it more understandable by a recipient of the incoming call where the detected ambient noise level is greater than a predetermined threshold noise level (fig.3-5,10; col.8 line 7-40; col.14 line 15-48).

However, Gupta et al. fail to disclose of the concept of wherein the enhancing includes converting the incoming call to text and displaying the text. However, McIntosh disclose of a system wherein the enhancing comprises converting the incoming call to text and displaying the text to the recipient of the incoming call (fig.3 wt (18); col.3 line 55-63) for the purpose of enabling caller

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identification and other non-verbal means of communications. Thus, taking the combined teaching of Gupta et al. and McIntosh as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify Gupta et al. by incorporating the enhancing comprises converting the incoming call to text and displaying the text to the recipient of the incoming call for the purpose of enabling caller identification and other non-verbal means of communications.

Re claim 2, the method of claim 1, wherein the enhancing further comprises automatically amplifying a loudness of the incoming call to the recipient of the incoming call (fig.3 wt (118,114,115),4-5;col.14 line 15-47).

Re claim 3, the method of claim 1, wherein the displaying of the text is to the recipient of the incoming call (McIntosh, col.3 line 60).

Re claim 4, the method of claim 1, the combined teaching of Gupta et al. and McIntosh as a whole, further teach of the wherein the enhancing further comprises automatically amplifying a loudness of the incoming call to the recipient of the incoming call (fig.3 wt (118,114,115),4-5;col.14 line 15-47) and displaying of the text is to the recipient of the incoming call (see claim 1 rejection)..

Re claim 5, the method of claim 1, wherein the telephone is a cellular telephone (fig.3; col.1 line 11-15).

Re claim 7, the telephone comprising: a receiver for receiving an incoming call and a noise sensor for detecting an ambient noise level (fig.3 wt (106,114)); and a processor for enhancing the incoming call to make it more understandable by a recipient of the incoming call where the detected ambient noise level is greater than a predetermined threshold noise level (fig.3-5,10; col.8 line 7-40; col.14 line 15-48).

However, Gupta et al. fail to disclose of the concept of wherein the enhancing includes converting the incoming call to text and displaying the text. However, McIntosh disclose of a system wherein the enhancing comprises converting the incoming call to text and displaying the text to the recipient of the incoming call (fig.3 wt (18); col.3 line 55-63) for the purpose of enabling caller identification and other non-verbal means of communications. Thus, taking the combined teaching of Gupta et al. and McIntosh as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify Gupta et al. by incorporating the enhancing comprises converting the incoming call to text and displaying the text to the recipient of the incoming call for the

purpose of enabling caller identification and other non-verbal means of communications.

Re claim 8, the telephone of claim 7, further comprising a speaker for reproducing the incoming call, wherein the processor automatically amplifies a loudness of the incoming call on the speaker where the detected ambient noise level is greater than the predetermined threshold noise level (fig.1,10; col.8 line 5-25).

Re claim 11, the telephone of claim 7, wherein the telephone is a cellular telephone (fig.3; col.1 line 11-15).

Re claims 13-14, 16-17 have been analyzed and rejected with respect to claims 1-2 respectively.

Re claim 10, the telephone of claim 7, the combined teaching of Gupta et al. and McInstosh as a whole, further comprising a speaker for reproducing the incoming call and display screen for displaying the alphanumeric text to the recipient of the incoming call , and wherein the processor automatically amplifies a loudness of the incoming call on the speaker and converts the incoming call to text, and displays the text to the recipient of the incoming call where the

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detected ambient noise level is greater than the predetermined threshold noise level (fig.1,3; col.8 line 7-40; col.14 line 15-48).

Re claim 9 has been analyzed and rejected with respect to claim 10.

Re claims 15, 18 has been analyzed and rejected with respect to claim 4,3 respectively.

3. Claims 6,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (US 6,766,176 B1) and McIntosh (US 6,639,987 B2) and further in view of Lowe (US 2004/0229568 A1).

Re claim 6, the method of claim 2 with the telephone system, However, the combined teaching of Gupta et al. and McIntosh as a whole, fail to disclose of the further comprising detecting whether a headphones is operatively connected to the telephone, wherein the amplifying is only carried out when the headphones are detected as being operatively connected. However, Lowe et al. disclose of a system wherein similar concept of comprising detecting whether a headphones is operatively connected to the telephone, wherein the amplifying is only carried out when the headphones are detected as being operatively

connected (par[0043,0074]; fig.4 (50), fig.3/monitor headset to either signal with or without sound) for the purpose of providing entertainment on the individual basis without distracting other customers around. Thus, taking the combined teaching of the combined teaching of Gupta et al. and McInstosh and Lowe as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify the combined teaching of Gupta et al. and McInstosh as a whole, by incorporating the concept of comprising detecting whether a headphones is operatively connected to the telephone, wherein the amplifying is only carried out when the headphones are detected as being operatively connected for the purpose of providing entertainment on the individual basis without distracting other customers around.

Re claim 12 has been analyzed and rejected with respect to claim 6 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. P./
Examiner, Art Unit 2615

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615